

2003 DRAFTING REQUEST**Bill**Received: **02/08/2003**Received By: **jkuesel**Wanted: **As time permits**

Identical to LRB:

For: **Stephen Freese (608) 266-7502**By/Representing: **Rob Richard**This file may be shown to any legislator: **NO**Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Freese@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Registration by write-in candidates; recording of write-in votes

Instructions:

Per 01 AB-158.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 02/13/2003	wjackson 02/26/2003					S&L
/1			chaskett 02/27/2003		sbasford 02/27/2003	sbasford 02/28/2003 sbasford 02/28/2003	

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FE Sent For:

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Requested By
Terri

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Page 2

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1A/1	jkuesel 2/13	1 WLj 2/26	1 CP4 2/27	JF/CP4 2/27			

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2001 ASSEMBLY BILL 158

March 1, 2001 - Introduced by Representatives SKINDRUD, AINSWORTH, FREESE, GRONEMUS, CUNDERSON, HAHN, JESKEWITZ, KESTELL, KRAWCZYK, LOEFFELHOLZ, MUSSER, OTT, PETROWSKI, RYBA, STARZYK, SYKORA, TOWNSEND and URBAN, cosponsored by Senators DARLING and ROESSLER. Referred to Committee on Campaigns and Elections.

1 AN ACT *to amend* 7.15 (2) (a), 7.51 (2) (e), 7.51 (2) (g), 7.51 (4) (a), 7.53 (1), 7.53
2 (2) (d), 7.53 (3) (a), 7.60 (4) (a), 7.60 (4) (c), 7.70 (3) (f), 8.05 (5), 8.11 (1) (b) and
3 (d), (2), (2m) and (5), 8.185 (2), 8.21, 117.22 (2) (d), 120.06 (6) (b) 2., 120.06 (6)
4 (b) 3., 120.06 (7) (a) and 120.06 (7) (b); and *to create* 5.02 (26), 7.08 (5), 7.10 (5),
5 7.15 (1) (L) and 120.06 (8) (dm) of the statutes; **relating to:** filing of
6 declarations of candidacy and recording of votes received by write-in
7 candidates in certain elections.

Analysis by the Legislative Reference Bureau

Currently, the name of each person who receives a vote at an election is recorded on the returns for that election. When a county or state canvass of an election is performed, the names of write-in candidates who receive a comparatively small number of votes may be omitted and the votes designated on the returns as "scattering votes".

This bill permits any write-in candidate to file a declaration of candidacy with the appropriate filing officer or agency, in the same form as is currently provided for other candidates, no later than 5 p.m. on the day before a primary or other election at which the candidate seeks office. Under the bill, the name of any write-in candidate need not be recorded on the returns for any election unless the candidate has filed a timely declaration of candidacy for the office for which the candidate

ASSEMBLY BILL 158

receives votes. The procedure does not apply if a write-in candidate seeks an office for which there are no candidates whose names appear on the ballot or if there appears on the ballot the name of a deceased candidate for the office that the write-in candidate seeks.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.02 (26) of the statutes is created to read:

5.02 (26) "Write-in candidate" means a candidate who seeks or receives votes at an election for an office without qualifying to have his or her name appear on the ballot at that election for the office for which the candidate seeks or receives votes.

SECTION 2. 7.08⁽⁶⁾~~(5)~~ of the statutes is created to read:

7.08⁽⁶⁾~~(5)~~ NOTICE OF WRITE-IN CANDIDATES. Whenever a write-in candidate files a timely declaration of candidacy with the board, the board shall immediately notify the county clerk or board of election commissioners of each county where the write-in candidate seeks office of the name of the candidate and the office that the candidate seeks. This subsection does not apply if the write-in candidate seeks an office for which there are no candidates whose names appear on the ballot or if there appears on the ballot the name of a deceased candidate for the office that the write-in candidate seeks.

SECTION 3. 7.10 (5) of the statutes is created to read:

7.10 (5) NOTICE OF WRITE-IN CANDIDATES. Whenever a write-in candidate files a timely declaration of candidacy with the county clerk, or the clerk receives notice from the board under s. 7.08⁽⁶⁾~~(5)~~ that a write-in candidate seeks office in the county, the clerk shall immediately notify the municipal clerk or board of election commissioners of each municipality in the county where the write-in candidate

It Currently, with a limited exception, the deadline for write-in candidates for the offices of president and vice president of the United States to file a declaration of candidacy and a list of presidential electors is the ~~second~~ ^{second} Tuesday preceding the date of the general election. ~~This bill permits the~~ ^{no later than 5 p.m. on the day before the general election} declaration and list of electors to be filed

ASSEMBLY BILL 158

1 seeks office of the name of the candidate and the office that the candidate seeks. This
2 subsection does not apply if the write-in candidate seeks an office for which there are
3 no candidates whose names appear on the ballot or if there appears on the ballot the
4 name of a deceased candidate for the office that the write-in candidate seeks.

5 **SECTION 4.** 7.15 (1) (L) of the statutes is created to read:

6 7.15 (1) (L) Whenever a write-in candidate files a timely declaration of
7 candidacy with the municipal clerk or the clerk receives notice from the county clerk
8 or board of election commissioners under s. 7.10 (5) or a school district clerk under
9 s. 120.06 (8) (dm) that a write-in candidate seeks office in the municipality, notify
10 the inspectors at each polling place in the municipality where the write-in candidate
11 seeks office of the name of the candidate and the office that the candidate seeks no
12 later than 8 p.m. on election day. This paragraph does not apply if the write-in
13 candidate seeks an office for which there are no candidates whose names appear on
14 the ballot or if there appears on the ballot the name of a deceased candidate for the
15 office that the write-in candidate seeks.

16 **SECTION 5.** 7.15 (2) (a) of the statutes is amended to read:

17 7.15 (2) (a) In municipal elections, the municipal clerks shall perform the
18 duties prescribed for county clerks by under s. 7.10 (1) to (4) and (6).

19 **SECTION 6.** 7.51 (2) (e) of the statutes is amended to read:

20 7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still
21 exceeds the total number of electors recorded on the registration or poll list, the
22 inspectors shall separate the absentee ballots from the other ballots. If there is an
23 excess number of absentee ballots, the inspectors shall place the absentee ballots in
24 the ballot box and one of the inspectors shall publicly and without examination draw
25 therefrom by chance the number of ballots equal to the excess number of absentee

ASSEMBLY BILL 158

SECTION 6

1 ballots. If there is an excess number of other ballots, the inspectors shall place those
2 ballots in the ballot box and one of the inspectors shall publicly and without
3 examination draw therefrom by chance the number of ballots equal to the excess
4 number of those ballots. All ballots so removed may not be counted but shall be
5 specially marked as having been removed by the inspectors on original canvass due
6 to an excess number of ballots, set aside and preserved. When the number of ballots
7 and total shown on the poll or registration list agree, the inspectors shall return all
8 ballots to be counted to the ballot box and shall turn the ballot box in such manner
9 as to thoroughly mix the ballots. The inspectors shall then open, count and record
10 the number of votes. In recording the votes cast for an office, the inspectors may
11 indicate votes cast for a write-in candidate who did not file a timely declaration of
12 candidacy under s. 8.21 for that office as scattering votes, unless there are no
13 candidates whose names appear on the ballot for that office or unless there appears
14 on the ballot the name of a deceased candidate for that office. When the ballots are
15 counted, the inspectors shall separate them into piles for ballots similarly voted.
16 Objections may be made to placement of ballots in the piles at the time the separation
17 is made.

18 SECTION 7. 7.51 (2) (g) of the statutes is amended to read:

19 7.51 (2) (g) Immediately after the polls close, where voting machines are used.
20 the inspectors shall open the registering or recording compartments or remove the
21 record of the votes cast and shall canvass, record, announce and return on the tally
22 sheets and certificates furnished. In recording the votes cast for an office, the
23 inspectors may indicate votes cast for a write-in candidate who did not file a timely
24 declaration of candidacy under s. 8.21 for that office as scattering votes, unless there
25 are no candidates whose names appear on the ballot for that office or unless there

ASSEMBLY BILL 158

SECTION 7

1 appears on the ballot the name of a deceased candidate. In recording the votes
2 registered on any counter which, before the opening of the polls, did not register 000,
3 the inspectors shall upon the return sheets subtract the number registered before the
4 polls opened from the number registered when the polls closed. The difference
5 between the 2 numbers is the correct vote for the candidate whose name was
6 represented by the counter, except if the number registered on the counter when the
7 polls closed is smaller than the number registered thereon when the polls opened,
8 the number 1,000 shall be added to the number registered when the polls closed,
9 before the subtraction is made.

10 SECTION 8. 7.51 (4) (a) of the statutes is amended to read:

11 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each
12 office and for each individual receiving votes for that office, ~~whether or not the~~
13 ~~individual's name appears on the ballot, and shall~~ except a write-in candidate who
14 has not filed a timely declaration of candidacy under s. 8.21 for that office, unless
15 there are no candidates whose names appear on the ballot for that office or unless
16 there appears on the ballot the name of a deceased candidate for that office. The tally
17 sheets shall also state the vote for and against each proposition voted on. Upon
18 completion of the tally sheets, the inspectors shall immediately complete inspectors'
19 statements in duplicate. The inspectors shall state the excess by which the number
20 of ballots exceeds the number of electors voting as shown by the poll or registration
21 list, if any, and shall state the number of the last elector as shown by the registration
22 or poll lists. At least 3 inspectors, including the chief inspector and, unless election
23 officials are appointed under s. 7.30 (4) (c) without regard to party affiliation, at least
24 one inspector representing each political party, shall then certify to the correctness
25 of the statements and tally sheets and sign their names. All other election officials

ASSEMBLY BILL 158**SECTION 8**

1 assisting with the tally shall also certify to the correctness of the tally sheets. When
2 the tally is complete, the inspectors shall publicly announce the results from the
3 statements.

4 **SECTION 9.** 7.53 (1) of the statutes is amended to read:

5 **7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE.** Where the municipality
6 constitutes one ward or combines all wards to utilize a single polling place under s.
7 5.15 (6) (b), the canvass shall be conducted publicly under s. 7.51 and the inspectors
8 shall act as the municipal board of canvassers. Upon completion of the canvass and
9 ascertainment of the results by the inspectors, the clerk shall publicly read the
10 names of the persons voted for and the number of votes for each person for each
11 municipal office, except a write-in candidate who has not filed a timely declaration
12 of candidacy under s. 8.21 for the office for which the candidate receives a vote, unless
13 there are no candidates whose names appear on the ballot for that office or unless
14 there appears on the ballot the name of a deceased candidate for that office. The clerk
15 shall also publicly read the names of the persons declared by the inspectors to have
16 won nomination or election to each municipal office and the number of votes cast for
17 and against each municipal referendum question.

18 **SECTION 10.** 7.53 (2) (d) of the statutes is amended to read:

19 **7.53 (2) (d)** The municipal board of canvassers shall publicly canvass the
20 returns of every municipal election. The canvass shall begin within 24 hours after
21 the polls close. At the spring election, the board of canvassers shall publicly declare
22 the results on or before the 2nd Tuesday in April. The board of canvassers shall
23 prepare a statement showing the results of each election for any municipal office and
24 each municipal referendum. After each primary for municipal offices, the board of
25 canvassers shall prepare a statement certifying the names of those persons who have

ASSEMBLY BILL 158

1 won nomination to office. After each other election for a municipal office and each
2 municipal referendum, the board of canvassers shall prepare a determination
3 showing the names of the persons who are elected to each municipal office and the
4 results of each municipal referendum. The statement shall include the number of
5 votes cast for each person for each municipal office, except a write-in candidate who
6 has not filed a timely declaration of candidacy under s. 8.21 for the office for which
7 the candidate receives a vote, unless there are no candidates whose names appear
8 on the ballot for that office or unless there appears on the ballot the name of a
9 deceased candidate for that office. The statement shall also include the number of
10 votes cast for and against each question submitted by the municipality. The board
11 of canvassers shall file each statement and determination in the office of the
12 municipal clerk or board of election commissioners.

13 SECTION 11. 7.53 (3) (a) of the statutes is amended to read:

14 7.53 (3) (a) In a common, union high or unified school district, the school district
15 clerk shall appoint 2 qualified electors of the school district prior to the date of the
16 election being canvassed who shall, with the school district clerk, constitute the
17 school district board of canvassers. If the school district clerk is a candidate at the
18 election being canvassed, the other 2 members of the board of canvassers shall
19 designate a 3rd member to serve in lieu of the clerk for that election. The school
20 district clerk shall appoint a member to fill any other temporary vacancy on the board
21 of canvassers. The canvass shall begin as soon as possible after receipt of the returns,
22 and shall continue, without adjournment, until completed. The board of canvassers
23 may return defective returns to the municipal board of canvassers in the manner
24 provided in s. 7.60 (3). The board of canvassers shall prepare a written statement
25 showing the numbers of votes cast for each person for each office and, except a

ASSEMBLY BILL 158

SECTION 11

1 write-in candidate who has not filed a timely declaration of candidacy under s. 8.21
2 for the office for which the candidate receives a vote, unless there are no candidates
3 whose names appear on the ballot for that office or unless there appears on the ballot
4 for that office the name of a deceased candidate. The statement shall also show the
5 numbers of votes cast for and against each question and. The board of canvassers
6 shall also prepare a determination showing the names of the persons who are elected
7 to the school board and the results of any school district referendum. Following each
8 primary election, the board of canvassers shall prepare a statement certifying the
9 names of the persons who have won nomination to the school board. Each statement
10 and determination shall be attested by each of the canvassers. The board of
11 canvassers shall file each statement and determination in the school district office.
12 The school district clerk shall certify nominations after each primary and issue
13 certificates of election to persons who are elected to the school board after each
14 election in the manner provided in sub. (4).

15 SECTION 12. 7.60 (4) (a) of the statutes is amended to read:

16 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
17 showing the numbers of votes cast for the offices of president and vice president; state
18 officials; U.S. senators and representatives in congress; state legislators; justice;
19 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage
20 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a
21 municipal judge elected under s. 755.01 (4) serves a municipality that is located
22 partially within the county and candidates for that judgeship file nomination papers
23 in another county, the board of canvassers shall prepare a duplicate statement
24 showing the numbers of votes cast for that judgeship in that county for transmittal
25 to the other county. For partisan candidates, the statements shall include the

ASSEMBLY BILL 158

1 political party or principle designation, if any, next to the name of each candidate.
2 The board of canvassers shall also prepare a statement showing the results of any
3 county, technical college district or statewide referendum. Each statement shall
4 state show the total number of votes cast in the county for each office; the names of
5 all persons for whom the votes were cast, as returned; and the number of votes cast
6 for each person; and, except a write-in candidate who has not filed a timely
7 declaration of candidacy under s. 8.21 for the office for which the candidate receives
8 a vote, unless there are no candidates whose names appear on the ballot for that
9 office or unless there appears on the ballot for that office the name of a deceased
10 candidate. The statement shall also show the number of votes cast for and against
11 any question submitted at a referendum. The board of canvassers shall use one copy
12 of each duplicate statement to report to the elections board, technical college district
13 board or board of canvassers of any other county and shall file the other statement
14 in the office of the county clerk or board of election commissioners.

15 **SECTION 13.** 7.60 (4) (c) of the statutes is amended to read:

16 7.60 (4) (c) In preparing the statements and determinations, the board of
17 canvassers shall carefully review the tally sheets and inspectors' statement. The
18 board of canvassers may omit the ~~names of individuals whose names do not appear~~
19 ~~on the ballot and who receive a comparatively small number of votes.~~ The board of
20 canvassers shall name of any write-in candidate who has not filed a timely
21 declaration of candidacy under s. 8.21 for the office for which the candidate receives
22 votes, and designate votes received by such individuals the candidate as scattering
23 votes, unless there are no candidates whose names appear on the ballot for that office
24 or unless there appears on the ballot for that office the name of a deceased candidate.
25 The board of canvassers shall append to each statement and determination a

ASSEMBLY BILL 158

SECTION 13

1 tabulation of the votes cast at each election district, ward or combination of wards
2 authorized under s. 5.15 (6) (b) in the county for each office and each individual,
3 whether the votes are canvassed or not, as well as the total canvassed votes cast for
4 each individual and each office, except where scattering votes are designated. If any
5 votes are rejected, the board of canvassers shall specify the reasons therefor.

6 SECTION 14. 7.70 (3) (f) of the statutes is amended to read:

7 7.70 (3) (f) The statements shall show the persons' names receiving votes, and
8 any referenda questions; the whole number of votes given to each; and an individual
9 listing by the districts or counties in which they were given. ~~The names of persons~~
10 ~~not regularly nominated who received only a comparatively small number of votes~~
11 name of any write-in candidate who has not filed a timely declaration of candidacy
12 under s. 8.21 for the office for which the candidate receives votes may be omitted and
13 their the votes cast for that candidate may be designated as scattering votes, unless
14 there are no candidates whose names appear on the ballot for that office or unless
15 there appears on the ballot for that office the name of a deceased candidate.

16 SECTION 15. 8.05 (5) of the statutes is amended to read:

17 8.05 (5) WHEN PRIMARY IS HELD. Towns and villages adopting the nonpartisan
18 primary to nominate candidates, under subs. (3) and (4), shall hold a primary only
19 when the number of candidates, other than write-in candidates, for an elective office
20 in the municipality exceeds twice the number to be elected to the office. A primary
21 for the office of municipal judge under s. 755.01 (4) shall be held whenever there are
22 more than 2 candidates, other than write-in candidates, for that office. Those offices
23 for which a primary has been held shall have only the names of candidates
24 nominated at the primary appear on the official spring election ballot. When the
25 number of candidates, other than write-in candidates, for an office does not exceed

ASSEMBLY BILL 158

1 twice the number to be elected, their names shall appear on the official ballot for the
2 election without a primary.

3 SECTION 16. 8.11 (1) (b) and (d), (2), (2m) and (5) of the statutes are amended
4 to read:

5 8.11 (1) (b) Any city may provide by charter ordinance, under s. 66.0101, that
6 whenever 3 or more candidates, other than write-in candidates, file nomination
7 papers for a city office, a primary to nominate candidates for the office shall be held.

8 (d) When the number of candidates, other than write-in candidates, for any
9 city office does not exceed twice the number to be elected to the office, no primary may
10 be held for the office and the candidates' names shall appear on the ballot for the
11 ensuing election.

12 (2) MILWAUKEE COUNTY. A primary shall be held in counties having a population
13 of 500,000 or more whenever there are more than twice the number of candidates,
14 other than write-in candidates, to be elected to any judicial office within the county
15 or to the county board of supervisors from any one district.

16 (2m) FIRST CLASS CITY SCHOOL BOARD. A primary shall be held in 1st class cities
17 whenever there are more than 2 candidates, other than write-in candidates, for
18 member of the board of school directors at-large or from any election district in any
19 year.

20 (5) COUNTY SUPERVISORS. A primary shall be held in an election for county board
21 supervisor whenever 3 or more candidates, other than write-in candidates, file
22 nomination papers.

23 SECTION 17. 8.185 (2) of the statutes is amended to read:

24 8.185 (2) Any candidates for the office of president and vice president of the
25 United States as write-in candidates shall file ~~a list of presidential electors and~~ with

ASSEMBLY BILL 158

1 the board a declaration of candidacy in the manner prescribed in s. 8.21 ~~with the~~
2 ~~board no later than 4:30 p.m. on the 2nd Tuesday preceding the day of the general~~
3 ~~election to choose the president and vice president of the United States and~~ ^{together} ~~along~~
4 with the declaration of candidacy, a list of presidential electors. The list shall contain
5 one presidential elector from each congressional district and 2 electors from the state
6 at large and the names of the candidates for president and vice president for whom
7 they intend to vote, if elected. ~~Compliance with this subsection may be waived by the~~
8 ~~board but only if the results of the general election indicate that a write-in candidate~~
9 ~~for the office of president is eligible to receive the electoral votes of this state except~~
10 ~~for noncompliance with this subsection. In such event, the write-in candidate shall~~
11 ~~have until 4:30 p.m. on the Friday following the general election to comply with the~~
12 ~~filing requirements of this subsection.~~

13 ~~SECTION 18: 8.21 of the statutes is amended to read:~~

14 8.21 Declaration of candidacy. Each candidate, except ^{INS A} ~~a~~ write-in candidate
15 ~~or a~~ candidate for presidential elector under s. 8.20 (2) (d), shall file a declaration of
16 candidacy, no later than the latest time provided for filing nomination papers under
17 s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16
18 (2) or 8.35 (2) (c). A write-in candidate may file a declaration of candidacy no later
19 than 5 p.m. on the day before the day of the primary or other election at which the ^{INS B}
20 candidate seeks office. A candidate shall file the declaration with the officer or
21 agency with which nomination papers are filed for the office which the candidate
22 seeks, or if nomination papers are not required, with the clerk or board of election
23 commissioners of the jurisdiction in which the candidate seeks office. The
24 declaration shall be sworn to before any officer authorized to administer oaths. The
25 declaration shall contain the name of the candidate in the form specified under s.

ASSEMBLY BILL 158

8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office, and shall state that the signer is a candidate for a named office, that he or she meets or will at the time he or she assumes office meet applicable age, citizenship, residency or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state, and that he or she will otherwise qualify for office if nominated and elected. The Except

in the case of a write-in candidate, the declaration shall include the candidate's name in the form in which it will appear on the ballot. Each candidate for state and local office shall include in the declaration a statement that he or she has not been convicted of any infamous crime for which he or she has not been pardoned and a list of all felony convictions for which he or she has not been pardoned. In addition, each candidate for state or local office shall include in the declaration a statement that discloses his or her municipality of residence for voting purposes, and the street and number, if any, on which the candidate resides. The declaration is valid with or without the seal of the officer who administers the oath. A candidate for state or local office shall file an amended declaration under oath with the same officer or agency if any information contained in the declaration changes at any time after the original declaration is filed and before the candidate assumes office or is defeated for election or nomination.

SECTION 19. 117.22 (2) (d) of the statutes is amended to read:

117.22 (2) (d) At least 12 weeks prior to the date of the election, the school district clerk shall publish a type A notice of the school board election, under s. 10.01 (2) (a). No later than 5 p.m. on the date 10 weeks prior to the election, any qualified elector of the school district created by the reorganization, other than a write-in candidate as defined in s. 5.02 (26), may file with the school district clerk a sworn

ASSEMBLY BILL 158

SECTION 19

1 declaration of candidacy for the school board and, if required, nomination papers, as
2 provided under s. 120.06 (6) (b). A write-in candidate may file a declaration of
3 candidacy no later than 5 p.m. on the day before the day of the primary or other
4 election at which the candidate seeks office. For purposes of this paragraph, a
5 candidate who resides in the territory of the school district created pursuant to a
6 reorganization under s. 117.105 and is otherwise a qualified elector shall be
7 considered a qualified elector for a school board election under par. (bm). A candidate
8 shall file an amended declaration with the school district clerk as provided in s.
9 120.06 (6) (b) 5. Within 8 days after the first election in the newly created school
10 district, the school district clerk shall notify the successful candidates of their
11 election. On the 2nd Tuesday following the election, the clerk shall administer or
12 receive the official oath and the newly elected members shall take office.

13 **SECTION 20.** 120.06 (6) (b) 2. of the statutes is amended to read:

14 120.06 (6) (b) 2. Except as authorized in this paragraph, no later than 5 p.m.
15 on the first Tuesday in January prior to the spring election, or on the next day if
16 Tuesday is a holiday, any qualified elector of the school district, other than a write-in
17 candidate as defined in s. 5.02 (26), may file a sworn declaration of candidacy with
18 the school district clerk in the form provided in s. 8.21 at the place specified in the
19 notice. A write-in candidate may file a declaration of candidacy no later than 5 p.m.
20 on the day before the day of the primary or other election at which the candidate
21 seeks office. If the school district contains territory lying within a 2nd class city, or
22 if the school board or annual meeting requires nomination papers under par. (a), any
23 qualified elector of the school district who desires to be a candidate, other than a
24 write-in candidate, shall in addition file nomination papers in the form prescribed

ASSEMBLY BILL 158

1 under s. 8.10 (2) and (3) with the school district clerk at the place specified in the
2 notice.

3 SECTION 21. 120.06 (6) (b) 3. of the statutes is amended to read:

4 120.06 (6) (b) 3. If an incumbent fails to file a declaration of candidacy, and
5 nomination papers, where required, within the time prescribed by this paragraph,
6 all candidates for the office held by the incumbent, other than the incumbent and any
7 write-in candidate ^{as defined in s. 5.02/26} may file a declaration of candidacy and nomination papers,
8 where required, no later than 72 hours after the latest time prescribed in this
9 paragraph. No extension of the time for filing a declaration of candidacy or
10 nomination papers applies if the incumbent files written notification with the school
11 district clerk, no later than 5 p.m. on the 2nd Friday preceding the latest time
12 prescribed in this paragraph for filing declarations of candidacy, that the incumbent
13 is not a candidate for reelection to his or her office, and the incumbent does not file
14 a declaration of candidacy for that office within the time prescribed in this
15 paragraph.

16 SECTION 22. 120.06 (7) (a) of the statutes is amended to read:

17 120.06 (7) (a) No later than 5 p.m. on the 2nd Tuesday in January, the school
18 district clerk shall verify the declarations of candidacy and certify the names of
19 candidates who have filed valid nomination papers, where required, and who qualify
20 for office. In making verifications or certifications, the school district clerk shall
21 designate the form of each candidate's name to appear on the ballot in the manner
22 prescribed in s. 7.08 (2) (a). Once filed, a declaration of candidacy or nomination
23 papers may not be withdrawn. This paragraph does not apply to write-in
24 candidates ^g as defined in s. 5.02 (26).

25 SECTION 23. 120.06 (7) (b) of the statutes is amended to read:

ASSEMBLY BILL 158

120.06 (7) (b) The school board shall require a primary election if there are more than 2 candidates, other than write-in candidates, ^{or} as defined in s. 5.02 (26), for any seat on a 3-member board or more than twice as many candidates as there are members to be elected to an unnumbered school board of more than 3 members. In school districts in which a plan of apportionment of school board members under s. 120.02 (2) or a plan for election of school board members to numbered seats has been adopted, the school board shall require a primary election for particular apportioned areas for which there are more than twice as many candidates, other than write-in candidates, as there are members to be elected and for any numbered seat for which there are more than 2 candidates. When there is a primary election it shall be held in conjunction with the spring primary.

SECTION 24. 120.06 (8) (dm) of the statutes is created to read:

120.06 (8) (dm) Whenever a write-in candidate, as defined in s. 5.02 (26), files a timely declaration of candidacy with the clerk, immediately notify the municipal clerk or board of election commissioners of each municipality in the school district of the name of the candidate and the office that the candidate seeks, unless there are no candidates whose names appear on the ballot for that office or unless there appears on the ballot the name of a deceased candidate for that office.

(END)

Section #. 8.21 of the statutes is amended to read:

8.21 Declaration of candidacy. Each candidate, except a candidate for presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy, no later than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35 (2) (c). A candidate shall file the declaration with the officer or agency with which nomination papers are filed for the office which the candidate seeks, or if nomination papers are not required, with the clerk or board of election commissioners of the jurisdiction in which the candidate seeks office. The declaration shall be sworn to before any officer authorized to administer oaths. The declaration shall contain the name of the candidate in the form specified under s. 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office, and shall state that the signer is a candidate for a named office, that he or she meets or will at the time he or she assumes office meet applicable age, citizenship, residency or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state, and that he or she will otherwise qualify for office if nominated and elected. The declaration shall include the candidate's name in the form in which it will appear on the ballot. Each candidate for state and local office shall include in the declaration a statement that he or she has not been convicted of any misdemeanor designated under state or federal law as a violation of the public trust or any felony for which he or she has not been pardoned. In addition, each candidate for state or local office shall include in the declaration a statement that discloses his or her municipality of residence for voting purposes, and the street and number, if any, on which the candidate resides. The declaration is valid with or without the seal of the officer who administers the oath. A candidate for state or local office shall file an amended declaration under oath with the same officer or agency if any information contained in the declaration changes at any time after the original declaration is filed and before the candidate assumes office or is defeated for election or nomination.

History: 1983 a. 484 s. 94; 1985 a. 304; 1987 a. 391; 1993 a. 140; 1999 a. 182; 2001 a. 109.

Freese

Basford, Sarah

From: Richard, Rob
Sent: Thursday, February 27, 2003 5:40 PM
To: LRB.Legal
Subject: Draft review: LRB 03-1991/1 Topic: Registration by write-in candidates; recording of write-in votes

It has been requested by <Richard, Rob> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-1991/1 Topic: Registration by write-in candidates; recording of write-in votes